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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/139,863	05/07/2002	Shiro Sakai	08228.025001	4874

22511 7590 05/23/2003

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MAY 27 2003

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EXAMINER

ERDEM, FAZLI

ART UNIT

PAPER NUMBER

2826

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketing	
Action:	<i>Response to OA</i>
Base Date:	<i>5-23-03</i>
Due Date:	<i>8-23-03</i>
Deadline:	<i>11-23-03</i>
Initials:	<i>OK</i>
Atty/Sec. Initials:	

Office Action Summary

10/139,863

SAKAI, SHIRO

Examiner

Art Unit

Fazli Erdem

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (6,423,984) in view of Nakamura et al. (5,767,581) further in view of Hori et al. (6,261,862), further in view of Yazawa et al. (5,804,918) further in view of Lee et al. (5,717,226)

Regarding Claims 1-4, Kato et al. disclose a light emitting semiconductor device using gallium nitride compound semiconductor where a p-type layer and an n-type layer are formed in a light emitting semiconductor device using gallium nitride compound having a double-hetero junction structure. Kato et al. fail to disclose the required layer combination, the required ZnO electrode, the required transparent structure, and the required ZnO in the required manner. However, Nakamura et al. disclose a gallium nitride based III-V group compound semiconductor where the required layer combination is disclosed. Furthermore, Hori et al. disclose a process for producing photovoltaic element where the required ZnO electrode is disclosed. Yazawa et al. disclose an electroluminescent device having a light reflection film only at location corresponding to light emitting regions where the required transparent structure is disclosed. Finally, Lee et al. disclose light-emitting diodes and method of manufacturing the same where the required ZnO electrode in the required manner is disclosed.

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It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required layer combination, ZnO electrode, transparent structure and the ZnO electrode in the required manner in Kato et al. as taught by Nakamura et al., Hori et al., Yazawa et al., and Lee et al. in order to have a nitride based light emitting semiconductor device with increased performance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fazli Erdem whose telephone number is (703) 305-3868. The examiner can normally be reached on M - F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (703) 308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

FE
May 18, 2003



NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800